IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA, Plaintiff, v. MICHAEL MOORE, JR., Defendant.	Case No. 3:18-cr-00040-SLG-DMS

ORDER

Before the Court at Docket 42 is Defendant Michael Moore's Motion to Suppress Custodial Statement of Defendant. The United States responded in opposition at Docket 51. The motion was referred to the Honorable Magistrate Judge Deborah M. Smith. At Docket 90, Judge Smith issued her Initial Report and Recommendation, in which she recommended that the motion be denied. Mr. Moore objected to the Initial Report and Recommendation at Docket 97, to which the United States replied at Docket 99. Judge Smith issued her Final Report and Recommendation at Docket 100, in which she recommended that the motion be denied. No objections to the Final Report and Recommendation were filed.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge."[1] A court is to "make a de novo determination of those portions of the magistrate judge's report or specified proposed

[1] 28 U.S.C. § 636(b)(1).

findings or recommendations to which objection is made."[2] But as to those topics on which no objections are filed, "[n]either the Constitution nor [28U.S.C. § 636(b)(1)] requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct."[3]

The magistrate judge recommended that the Court deny the Motion to Suppress Custodial Statement of Defendant. The Court has reviewed the Final Report and Recommendation and agrees with its analysis. Accordingly, the Court adopts the Final Report and Recommendation in its entirety, and IT IS ORDERED that the Motion to Suppress Custodial Statement of Defendant at Docket 42 is DENIED.

DATED this 12th day of December, 2018 at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

[2] *Id.*

[3] *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.").